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REALNETWORKS, INC. AND  
LISTEN.COM

UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,  
  
Plaintiff,  
  
v.  
  
REALNETWORKS, INC., et al.,  
  
Defendants.

Civil Action No. CV 03-5085-WWS  
  
**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING PRE-TRIAL AND  
TRIAL SCHEDULE**  
  
**Judge: Honorable William W. Schwarzer**

1 WHEREAS, on May 1, 2006, Plaintiff moved to continue the May 10, 2006 hearing date  
2 for RealNetworks, Inc.'s and Listen.com, Inc.'s (collectively, "Real") Motion to Dismiss;

3 WHEREAS, by order dated May 8, 2006, the Court granted Plaintiff's motion to continue  
4 the hearing date for Real's Motion to Dismiss and scheduled that hearing for June 14, 2006;

5 WHEREAS, the Court further ordered the existing deadlines and trial date to be  
6 continued as shown in the schedule proposed by Real in its opposition to Plaintiff's motion to  
7 continue the hearing date;

8 WHEREAS, in its May 8, 2006 order, the Court further directed the parties to submit a  
9 stipulated order incorporating the revised schedule within ten days of its May 8, 2006 order;

10 NOW THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and  
11 Defendants, through their respective counsel of record, the Pre-Trial and Trial schedule be  
12 amended as follows:

13 1. The deadline for submission of Friskit's supplemental opening expert report is  
14 extended to May 24, 2006.<sup>1</sup>

15 2. The hearing on Real's Motion to Dismiss is continued to June 14, 2006 at  
16 10:00 a.m.

17 3. The deadline for submission of Real's supplemental rebuttal expert report is  
18 extended to June 28, 2006;

19 4. The deadline for close of expert discovery is extended to July 21, 2006;

20 5. The deadline for the last day to file dispositive motions is extended to July 28,  
21 2006;

22 6. The deadline to file responses to dispositive motions is extended to August 11,  
23 2006;

24 7. The deadline to file replies to dispositive motions is extended to August 18, 2006;

25 8. The pre-trial conference is October 10, 2006;<sup>2</sup>

26  
27 <sup>1</sup> In an order dated May 1, 2006, the Court granted Friskit's motion to extend this deadline to May 19, 2006.  
Through counsel, the parties agreed to further extend this date to May 24, 2006.

28 <sup>2</sup> Real's proposed schedule set the pre-trial conference for October 9, 2006. Because this date falls on Columbus

9. Trial is set for October 30, 2006.

/s/ Jeffrey A. Pine

/s/ Evette D. Pennypacker

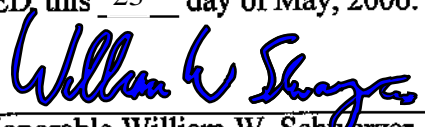
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PURSUANT TO STIPULATION, IT IS SO ORDERED, this 23 day of May, 2006.

  
\_\_\_\_\_  
Honorable William W. Schwarzer  
United States District Judge  
Northern District of California

Day, a Court holiday, the parties agreed to change the date for the pre-trial conference to October 10, 2006.

**ATTESTATION OF E-FILED SIGNATURE**

I, Evette D. Pennypacker, attest that signatory Jeffrey A. Pine has read and approved the  
**STIPULATION AND [PROPOSED] ORDER REGARDING PRE-TRIAL AND TRIAL  
SCHEDULE** and consents to its filing in this action.

/s/ Evette D. Pennypacker  
Evette D. Pennypacker